

AMENDED IN SENATE MARCH 1, 2004

**SENATE BILL**

**No. 1083**

**Introduced by Senator Ortiz**

January 5, 2004

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~~An act to amend Section 16122 of the Welfare and Institutions Code, relating to adoption. An act to add Sections 100106 and 101029 to the Health and Safety Code, relating to public health.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1083, as amended, Ortiz. ~~Adoption Assistance Program: home studies by agencies: compensation~~ *Health officer orders: enforcement: peace officers.*

*Existing law authorizes the Director of Health Services and local health officers to issue orders to enforce various health and safety requirements.*

*This bill would make an order of a local health officer enforceable immediately by certain state or local peace officers.*

~~The Adoption Assistance Program requires the state to compensate private adoption agencies for the costs of placing for adoption children in foster care who are eligible for Adoption Assistance Program benefits, from any funds appropriated for this purpose, in an amount not to exceed a total of \$5,000 per child adopted.~~

~~Various provisions of existing law or regulations require the completion of a home study of prospective adoptive parents as a prerequisite to adoption.~~

~~This bill, in addition to requiring compensation for costs of placement under the Adoption Assistance Program, would require the state to compensate private adoption agencies for completing home studies for the placement of those children eligible for Adoption~~

~~Assistance Program benefits, from any funds appropriated for this purpose. The bill would require that the amount of compensation not exceed \$3,500 per child adopted for either the costs of adoptive home study or the costs of placement, and that the amount of compensation not exceed \$5,000 for both.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 16122 of the Welfare and Institutions~~  
2     ~~SECTION 1. Section 100106 is added to the Health and Safety~~  
3     ~~Code, to read:~~  
4     ~~100106. An order of the director is enforceable immediately~~  
5     ~~by state or local peace officers, as defined in Sections 830.1 and~~  
6     ~~830.2 of the Penal Code.~~  
7     ~~SEC. 2. Section 101029 is added to the Health and Safety~~  
8     ~~Code, to read:~~  
9     ~~101029. An order of a local health officer is enforceable~~  
10    ~~immediately by state or local peace officers, as defined in Sections~~  
11    ~~830.1 and 830.2 of the Penal Code.~~  
12    ~~Code is amended to read:~~  
13    ~~16122. (a) It is the intent of the Legislature in enacting this~~  
14    ~~chapter to provide children who would otherwise remain in~~  
15    ~~long-term foster care with permanent adoptive homes. It is also the~~  
16    ~~intent of this Legislature to encourage private adoption agencies~~  
17    ~~to continue placing these children, and in so doing, to achieve a~~  
18    ~~substantial savings to the state in foster care costs.~~  
19    ~~(b) From any funds appropriated for this purpose, the state shall~~  
20    ~~compensate private adoption agencies licensed pursuant to~~  
21    ~~Chapter 3 (commencing with Section 1500) of Division 2 of the~~  
22    ~~Health and Safety Code for costs of completing home studies at the~~  
23    ~~request of referring county child welfare agencies for children~~  
24    ~~eligible for Adoption Assistance Program benefits pursuant to~~  
25    ~~Section 16120, or for costs of placing for adoption children~~  
26    ~~eligible for Adoption Assistance Program benefits pursuant to~~  
27    ~~Section 16120, or both.~~  
28    ~~These agencies shall be compensated for otherwise~~  
29    ~~unreimbursed costs for completed home studies, or for the~~  
30    ~~placement of these children, or both, in an amount not to exceed~~

1 ~~a total of three thousand five hundred dollars (\$3,500) per child~~  
2 ~~adopted for either the home study or the cost of placement, and in~~  
3 ~~an amount not to exceed a total of five thousand dollars (\$5,000)~~  
4 ~~for both. Half of the compensation shall be paid at the time the~~  
5 ~~adoptive placement agreement is signed. The remainder shall be~~  
6 ~~paid at the time the adoption petition is granted by the court.~~  
7 ~~Requests for compensation shall conform to claims procedures~~  
8 ~~established by the department. This section shall not be construed~~  
9 ~~to authorize reimbursement to private agencies for intercountry~~  
10 ~~adoption services.~~  
11 ~~(c) Effective July 1, 1999, the maximum amount of~~  
12 ~~reimbursement pursuant to subdivision (b) shall be five thousand~~  
13 ~~dollars (\$5,000).~~

